A

LETTER

TO

Messrs. FLETCHER and PEACH,

Of the CITY of LONDON;

ON THEIR

NEGOTIATION with Dr. DODD;

WHICH HAS UNHAPPILY DEPRIVED SOCIETY OF A VALUABLE MEMBER, AND A USEFUL MINISTER OF THE GOSPEL.

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MDCCLXXVII.

F I E L D S

A

LETTER, &c.

Meſſrs. FLETCHER and PEACH.

GENTLEMEN,

IF it be neceſſary in me to make an apology to you for addreſſing you in this public manner, I will attempt it by ſaying, that though I am an entire ſtranger to *you*, I am known to the unfortunate and condemned Dr. DODD, who, before his fatal tranſaction with you, I held in great reſpect and eſteem, not only for his particular ingenuity, but for the many acts of benevolence with which his whole life abounds.

The ſufferings of this poor man, occaſioned by his negotiations with you, will then be my apology for thus coming forwards;

and ſpeaking the language of impartiality, I ſhall endeavour to extract from you, his greateſt enemies, tears of pity and compaſſion for him.

My knowledge of the fair ſide of his character (and no other have I ever been acquainted with) juſtifies my calling for your attention, and obliges me to point out to you the rigid parts you have acted againſt him, which have hurried him from the world in the moſt cruel and ignominious manner; and if, without the ſmalleſt appearance of offending the rules of good manners or politeneſs, as a Gentleman, I ſubmit thoſe thoughts to you, which can raiſe any remorſe in your boſoms, for ſtepping out of the line of your profeſſions as a Banker and a Warehouſeman, and lead you to regret the loſs of life in a fellow-creature, even when Society is *ſaid* to benefit by it; I ſhall be perſuaded, that whatever returns I may experience for this Letter, they will neither affect the purpoſe of it, nor at all reproach the heart that dictates, or the pen that writes it. I am aware that ill-nature and illiberality may urge much againſt me, for the little trouble I have taken herein; yet, as I intend it to anſwer a generous and juſt end, and to clear the prejudiced and poiſoned mind from falſe conceptions, I am not without hopes that you will beſtow on it a patient hearing, and join the voice of my other candid and humane Readers, that however neceſſary, in a general ſenſe, the exertion of rigid

juſtice

juſtice may be in a ſtate of Civil Society, it is not always ſo in a particular one.

If ever there was a Caſe which excited lenity of puniſhment, mildneſs in the adminiſtration of juſtice, and mercy over its legal conſequences, it is that of Dr. DODD's. I am no Advocate for the guilt of any man, whether compriſed in an action forbid by the law of Nature or Society. Forgery is certainly of a moſt dangerous tendency in the ſocial concerns between man and man. The puniſhment preſcribed (more to prevent it than puniſh it) may, and no doubt doth, in the hearts of conſcientious people, appear too great for it; but allowing that all actions become criminal (more or leſs), as they involve ourſelves and others in miſery and danger, it becomes indiſpenſable to puniſh them with rigour, and to make the law that ſanctifies that puniſhment, ſpeak a formidable language, to deter mankind from the guilt. Forgery, therefore, thus conſidered, is ſubject to the ſeverity of a capital Felony on thoſe who commit it.

The recollection is painful to my feelings, that Dr. DODD is a Delinquent of this kind. To extenuate his guilt of the ſimple fact would be folly. Legally he never pretended to do this himſelf. The naked facts of writing the name of another perſon,

and

and publiſhing it *to his Broker*, he never denied—He has been tried for it, convicted, condemned, and ordered for execution.

Humanity however demands, at this late period, that the means whereby all this hath happened ſhall not be concealed from the Public, as the beſt appeal to the hearts of his ſurviving fellow-creatures for their judgment in his favour, when he ſhall be no more.

I wiſh, for your ſakes, that this ſubject would permit me to be ſilent in what regards your reſpective conduct upon it; or that the hand of mercy had extended its benevolence towards the departing Convict in queſtion, ſo as to reſerve his life to the diſpoſal of Him who gave it; and who, as ſome contend, hath the only right to take it away—I repeat, with compaſſionating regard to all men, my wiſhes that your conduct, or the royal mercy, had prevented me in an examination of your proceedings, which have cauſed the baleful miſeries, the excruciating anguiſh, and the hourly torture of a man driven out of Society to gratify private vengeance, where *no man was injured*, and public juſtice, where the *Public was not concerned*: But, Sirs, circumſtanced as the unhappy Dying Divine is, and overwhelmed as you are with the cauſe of his miſery, it would be wrong to paſs it over, or hold

from my fellow-creatures, the particulars which affect your humanity on the preſent deplorable occaſion.

I have been taught to believe, that law is an impartial rule of right preſcribed in a State of Society, not for the advantage of *a part* of that State, but for the *whole*. Juſtice, therefore, knows no favour or affection among individuals. If one man ſuffers its puniſhment by loſs of life, while another offends and lives, there may be many circumſtances to countenance a compariſon of their guilt, and to try their deſerts. It has often been ſaid, that there are many more men unpuniſhed capitally by the law, who deſerve it, for keeping nicely within its pale in their dealings, than there are men puniſhed by loſs of life for ſome trivial actions.

There may be great reaſon for this aſſertion; and perhaps, if we duly conſider, that thoſe malefactors who artfully ſteer their iniquities within the verge of the law, do more real miſchief in Society than thoſe who forfeit [exiſtence for ſome ſingle act of Felony, we ſhould lament that Vice is ſo unequally puniſhed.

True it is, that Death puts an infallible end to Vice and Felony; and it is alſo as true, that in life we find little tye on human actions in conſequence: to prevent the miſchiefs for which death is directed on thoſe who commit them, is the great intent of the

criminal Laws, which are more ſucceſsful in their effect than the civil. Mankind, in their civil tranſactions, are little more than Savages refined. They endeavour who ſhall make the moſt of the other; and human life, in general, is one continual ſtruggle for might and power. Men have aſſented to laws as ſocial beings, which they are willing to reject or obſerve as is moſt convenient to their intereſt and private views.

Hence a queſtion ariſes naturally, Which moſt deſerves by ſocial neceſſity to loſe his life, the man who commits *one* offence, ſtamped with the name of *Criminal*; or the man who breaks the law in a civil ſenſe; the former, to the injury of *one perſon only*; the latter, to the injury of *many?* I ſuſpect, were I to proceed far into this queſtion, I ſhould find no reaſon to anſwer it in favour of the latter; but rather be convinced, that the man who takes from me (under the colour of my own conſent) what the civil law will not juſtify, is highly as criminal before the Public, as if he had robb'd me; and more ſo, becauſe on ſuch robbery he has heaped deceit.

Under this idea, I am now to examine the late prevailing practice of advancing money by way of annuity on the life of the grantor; a practice introduced of late years into the City of London,

London, to the misfortune and misery of many a worthy family, and to the great profit and advantage of those who purchase such annuities. It will be foreign to the purpose to descend into the particulars of this late reigning mode of employing money to answer the necessity of minor spendthrifts, or perhaps honest industrious adults. Experience has too plainly proved to us, that money thus employed ensures wealth to the employer, while it aggrandizes the Broker, and (sad sentiment!) often beggars the Borrower. The many foul dealings that have passed on these dismal occasions, have roused the spirits of parents, and brought down the interposition of the Legislature, to save from perdition those thoughtless young men whose necessities cloud their understandings, and obscure it against the subtilty of Brokers and modern Money-lenders. How many has this dealing brought to self-destruction? It was originally contrived to favour usury, and to escape its penalties. Every man therefore, concerned in it, may be called an Usurer out of the reach of the law; because on the best calculation, allowing for every risk that is run in it, it appears, the interest of money made by it is considerably more than what the law allows. But the law has not made this Felony, nor subjected the Usurer to the loss of life. The law has but just begun its influence in this particular; and as for Forgery, there may be no harm in the conjecture, that time may make it necessary to punish usury equally with loss of life. Who,

then,

then, would preſume to ſay, that Uſury and Forgery were not equally criminal? In the ſuppoſition that this may be the caſe, we may reaſonably argue, that the *moral turpitude* is now the ſame in *both*.—If ſo, what muſt be our concluſions on the fate of Dodd and you? This I ſhall leave to the private determination of your own hearts.

The Saviour of mankind has left us a prayer, wherein we ſupplicate not *to be led into temptation.* A man in diſtreſs ſeeks relief—The old-faſhioned method of obtaining it by mortgage, or at lawful intereſt, is deſtroyed. There is no other way but by annuity. This is an extravagant one, and it is a wonder that many more deceits, many more forgeries are not practiſed on the purchaſers, than the one for which poor Dodd is to ſuffer.

If I am rightly informed, the intereſt made by this method of advancing money is more than three times the amount allowed by law; and this without a riſk, as the Annuitant pays the value of inſuring his own life for ſeven years, and if under age, part of his principal is lodged for the purchaſer's ſafety, ſubject to his arriving at legal manhood. Theſe are the works which inſidious men have long dealt in.

It would probably have been deemed an unneceſſary digreſſion to have ſpoke of annuities, had they not tempted Dodd to the act for which he ſuffers; and as you, Sirs, were the Gentlemen to whom his forgery was publiſhed, to you, a deſcription of the buſineſs that attended it can be no digreſſion.

We are now brought to the particulars of this buſineſs.

After the Forgery, a Broker was employed to procure money upon it by annuity.—He applied to *one or two principals* for it, who declined advancing it unleſs *they ſaw the parties to the forged Deed.*—This was not allowed, and the Broker, in the courſe of *his* buſineſs, applied to you.—Now commences that behaviour which the Public think they have a right to remark; the more ſo, ſince it haſtened to deprive Society of a uſeful member, and an ingenious Miniſter of the Goſpel.

Struck with the amiable name of Cheſterfield, you negotiated the buſineſs of the Bond to which it was ſubſcribed, and only obſerved, that as you ſaw but one witneſs to it, another ſhould be ſubjoined.—This (though every way unneceſſary, however *real* the name of the Obligor might have been) was done by the Broker on Dodd's requeſt; and very likely from his zeal to re-

ceive his commiſſion-money, you then advanced the amount required—not in caſh, but in bills, at 14 days, without any allowance of intereſt for that time.

Dreadful calamity!---The forgery was ſuſpected by your Attorney, (ever eſteemed a ſenſible and worthy man)---It was at length diſcovered, and *privately* made known to Dodd, who, on a dependance that the affair would die away, returned you your bills, and *left you where he found you.*

Your intereſted motives, nevertheleſs, being thus diſappointed, you became enraged, not at what *you had loſt, for you loſt nothing, but at what you had not got a profitable annuity.* You and your Attorney became clamorous; the circumſtances of the unhappy affair tranſpired; public juſtice was called for, though *no private* injury exiſted; and the much-to-be-pitied, agitated Dodd was dragged to the Bar a Criminal capitally. The rigid fact (which it had been in his power to conceal) then only appeared againſt him; no *fraudulent conſequence exiſted*---Dodd was committed for his trial, with the Broker; and, leſt he ſhould eſcape conviction of what he had *confeſſed himſelf guilty*, his proſecutors ſtudiouſly procured the Broker to be made a witneſs to prove his forgery.---They ſucceeded to their moſt ſanguine wiſhes---The Broker, by means

which were publicly reprobated, avoided arraignment, and Dodd was convicted by *him*.---Cruel treatment indeed !---He has been not only *rigorouſly proſecuted*, but *inhumanly perſecuted*.---His life has been ſought in a manner unbecoming Engliſhmen; and like an infected peſtilential animal among brutes, he has been purſued to deſtruction, and this for the benefit of *no one*. But his time is ſhort; and without dwelling more on the thought, I will turn again towards you, and prove to you, that if mercy had been ſhewn him, he would have ſuffered a thouſand living deaths.

Apportioned to the refinement of the human mind, will be its degree of pain and diſtreſs at the expected loſs of life by the unhallowed Act of *Man*; and mercy in this caſe will cauſe more puniſhment than death. The ſuffering Sinner will turn from his miſdoings, and atone in obſcurity for them. It is otherwiſe with the *ignorant and hard-hearted*, who have no ſenſe of the wrongs for which they are to ſuffer, and they die without remorſe. Mercy hence to DODD, while a *hardened Culprit paid his forfeit life*, would not be unequal; the firſt would live to feel the conſtant reproaches of his own conſcience, while the laſt was removed to protect Society.

But this is a reaſoning ſaid not to be admitted: No! DODD muſt be hang'd, though nobody is wrong'd. We have pre-

ſumed

ſumed to determine his intent as a fraud, and therefore hanged, ſome ſay, he ſhall be.---Good Heavens! What is man? In ancient times, compoſitions for crimes and offences were allowed even in the caſe of murder, in order to ſet bounds to the violence of private vengeance. Where, then, would have been the danger of tacitly compounding (if it may be ſo called) this crime of Forgery? This might have been done, and the Forger have ſuffered ſufficiently by a remembrance, that *his* character and reputation, while life laſts, would be in your power; neither would your character, or your Attorney's, be impeachable by the Public for what it *did not know*; and it was in your power ſo to have demeaned yourſelves, that the tranſaction (ſorrowful as it was) might never have tranſpired; or, if it had, you might have eſcaped the charge of compounding Felony or *Theftbote*, which, had you merited by the ſevereſt principles of law, would have only ſubjected you to fine and impriſonment.

Mild as that would be, compared to the puniſhment brought on Dodd, I do not contend that you ſhould have riſked it. It was poſſible that you might have ſmothered an affair ſo dreadful in its conſequence, and preſerved your humanity in ſome degree with the Public. The miſerable Offender aſked, Whether a return of your Bills would not preſerve him from

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fury as a Felon? He was told, that indeed it would be the moſt effectual way. When the Bills were returned, why was the Forged Bond concealed? Why was it not cancelled? Not by you, or your Attorney, but by Dodd himſelf? There ſeems to be no other reaſon for it, but becauſe he (poor fellow) was to be made a public example of, though the *Public was not concerned*. Vengeance took place of Humanity and Fellowſhip, and Vengeance has wreaked itſelf by every poſſible gratification! *You*, nor the *Public*, are not injured; and Dr. Dodd is likely to be hanged, for no other real cauſe than want of preſence of mind to ſnatch from your Attorney's iron hands a Deed, which had diſappointed your hopes of profit, and brought him to trial as a Felon; for had he deſtroyed it, which he was entitled to do, after returning you your bills, he would have avoided conviction, and ſaved a life ſacrificed to revenge and pretended juſtice.

You may ſay, I am here pleading the cauſe of Vice. If it be Vice, neceſſity requires it; and if you, or any one will preſume to think me wrong in it, I will remind you, that Man is, and ever has been, *fallible*. You are a proof of it yourſelves; and were we all to have our deſerts, few of us would eſcape a laſhing. To harrow up, therefore, thoſe actions of a Criminal, which aroſe from miſtaken reaſon, or natural paſſion, is bar-

barous and unmanly :—It is adding miſery to miſery; and what is ſtill worſe, it malignantly proves, that while the traducer pours forth ſcandal, mixed with an over-ſhare of imaginary falſities, he forgets his own actions, which, very likely, if ſcrutinized, would equally merit reprehenſion.

Theſe particulars ſtamp an indelible diſgrace on the Proſecutors of Dodd, who, inſtead of contenting themſelves with the loſs *of nothing*, have glutted themſelves with the blood of him they meant to profit by. Deceived in their expectation, like another Shylock, they fled to the Letter of the Law, devoid of Mercy, Pity, or Compaſſion. The Law (if not of man) of God, in human conſcience, may pinch them ſenſibly ſome time for this in return, when Dodd ſhall only be remembered to blacken their peace, and torment their recollection. Death in itſelf is a trifle; the progreſs to it tremendous; but more ſo, when perpetrated by the hand of *Man*; deſerved too only by the law of *Man*, and not of *God*. Society has benefited, and not been injured. Dodd's loſs of life cannot do it a ſervice, although Mercy is held from him by the beſt of Kings, on a principle that it will.

If my zeal, my affection, or my ſorrow towards a man condemned to die an ignominious death, ſhould appear to outrun the

the bias of my judgment, let my ſituation as an humble Pleader for favour to an unhappy Being, be my excuſe.—It is too late to expect mercy over his life now; but it is not too late to be merciful to his memory.

Whatever retreat his Proſecutors may make, depend upon it, the name of Dr. Dodd will attend them, like their ſhade, and raiſe many a ſecret wiſh in them, that he had lived to die a natural death.

Stripped of every worldly comfort, diſgraced and defamed, how few are the charms which life can convey to him?—Happy then would it be, that the Almighty, in his wiſdom, would anticipate his abject deſtiny, by taking him to himſelf. He wiſhes for life, for the ſake of Him that gave it. Though his bravery is reproached for theſe wiſhes, his Religion cannot be; and it is no fault in him to crave a life ſubject to every mortification.

Far be it from me to make Dr. Dodd an object of favour, diſtinguiſhed from Criminals who have ſuffered before him, and who may hereafter ſuffer in the ſame predicament. I commiſerate all men, from whatever ſource their tranſgreſſions ſpring. I have a heart tremblingly alive at the diſtreſs of every

every human Being; and if there is an occaſion to remonſtrate with my fellow-creatures on the particular misfortune of an individual, I think it is the preſent. I have been induced to examine it with caution; I have ſympathized with him, and finding his Caſe ſingularly hard and novel, I cannot help reprobating that conduct in his Proſecutor, and all his Enemies, which ſeems likely to crown it with loſs of life.—Horrid thought! and ſtill more horrid, when we conſider how ſecure you will be left; that you will be no loſers, no ſufferers, except in your humanity.

There are many eyes upon you; and if Dodd ſhould ſuffer, you will not remain ſacred with his friends in reſpect to character. They will conſider you as inſtrumental to his end, under the ſanction of Law. Your Cuſtomers will then put the queſtion, — How far their property is at ſtake with you as Bankers, and as men? They will think (whatever they may ſay), that it is not the duty of a Banker to employ their money uſurioufly, and deprive them of aſſiſtance when their occaſions may require it; or what goes much further againſt you, will ſubject you to a rupture and concuſſion.—Your cuſtomers employ you for their ſafety and temporary convenience—You take their money for the legal profit

you

you may make of it; and this is legally the whole. The launching out, therefore, into the modern practice of purchaſing annuities with your Cuſtomers' money, renders your Houſe an unſafe repoſitory of their caſh. This practice is evil enough with thoſe who uſe only *their own*; but when the Truſt-money of others is ventured out in this way, the negotiation is doubly dangerous; but ſuch negotiation is not a new one to you---the name of Calze will convince you of it:---Recollect your Annuity account with him---his complaints are heavy againſt you---with what propriety is not material to me.

I ſhould not have employed the attention of my Readers ſo far, had I not conceived theſe premiſſes inſeparably connected in the caſe of Dr. Dodd, whom I do not ſay or think has been thus cruelly hunted out of Society becauſe his name is Dodd. There is too much reaſon to ſuppoſe, that any other man, under the ſame circumſtances, would have fared like him. You could have no evil intent againſt him; he was a ſtranger to you: but as *principals* in a method of lending money, which the legiſlature, of neceſſity, is now about to reform and correct, his Broker brought his Forged Deed to you; which had you declined *doing*, as the cant term is

in the City, would poſſibly have been cancelled by the Forger. The Broker's intreaties, however, with your genial encouragement, became a hot-bed, wherein the poiſonous ſeeds, but lightly ſpread, ſprung to maturity, and now is likely to kill the Sower. The Principals applied to by the Broker, *before he came to you*, acted with prudence. Unwilling to riſk their money without knowing the parties to the deed produced, they flatly refuſed negotiating a matter they ſaw no certainty of benefiting by. All good men lament that the Broker here had not ſtopt; but *auri ſacra fames*, his endeavours produced him a handſome ſum, and deſtroyed his Employer.

To appeal further to your reaſonable reflections, I will aſk you, Whether the thought of Lord Cheſterfield's rank and fortune, did not naturally perſuade you, that he could not be in want of 4000l. and if he had, that he had a Banker of his own to aſſiſt him, not on his Bond, but on his Eſtate, to which he will ſhortly ſucceed. It is unreaſonable to ſuppoſe, that a man of his condition ſhould employ his Tutor to raiſe money on an Annuity-Bond among ſtrangers in the City. The thing defeats itſelf, and muſt have ſo ſtruck the minds of the *Principals firſt applied to*, when they refuſed to advance their money. Pity it is, it had not the ſame effect

on you ;—if it had, life would have been ſaved to a valuable man, and your Humanity had eſcaped the public cenſure. But Money was the object, and it plunged you in an affair that defeated your hopes of obtaining it, as well as in a Proſecution, which, for its peculiar ſeverity, will be remembered with diſguſt.

Before I diſmiſs this melancholy ſubject, which the more I think of, the more I marvel at the fallibility of our nature, I hope I may be allowed with the ſame public conſiſtency that I have thus moderately wrote to you, to ſay a few words on the part of the Lord Mayor :---I have heard him much blamed for his violence when Dodd was brought before him, and for calling out for public juſtice. When the forgery had tranſpired, it became him as Chief Magiſtrate of the firſt City in the world to do ſo.---Thoſe who know him, will attribute to him an impetuoſity of temper, and will excuſe him in this particular. Thoſe, however, who know the particular conduct againſt this Criminal (Dodd) by his proſecutors, will not think ſo favourably of it.--A knowledge, perhaps, of your character, in all your other worldly tranſactions, may compel us to applaud it---Of this, (as I have not the honour of your acquaintance) I am altogether ignorant, and muſt remain

ſilent

ſilent upon.---It is your tranſaction with Dr. Dodd, conſidered on a general ſcale, that makes you obnoxious to his friends, and thoſe fellow-creatures, who pity and lament the infirmities of human nature; but who are Chriſtians enough to bewail the rigid infliction of death on a tranſgreſſor, when the bounty of life would more ſeverely puniſh him.

There certainly, in particular caſes, appears very little difference between *public wrongs and private injuries*; and in thoſe caſes we ought to guard the offenders from unequal conſequences. If by forging for a pound a man pays his forfeit life, while another practiſes on me a fraud that breaks my peace of mind, and robs me of my ſubſiſtence: I ſay, if ſuch a man is ſuffered to live, I ſee a difficulty in diſtinguiſhing the different puniſhment of either. The Caſe of Dodd, examined by analogy, entitles him indubitably to Mercy—from that Executor of all law, the King, whoſe prerogative, if of any divine or religious uſe among his people, is to ſhew mercy where penitence and contrition appear, oppoſed to vengeance, inexorably bent to ſatisfy *rigid Public Juſtice*---Every crime includes *an injury public and private*.--Without an injury there is *no* crime; what injury was there done by Dodd to you?---For a moment, *a private* one, which was immediately after *pri-*

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vately removed? *Publicly* there was *none*, becauſe in *private* it had been abſorbed. The Public could want *no reparation* where there was no *public injury*. The *private* wrong was repaired in *private*. The dragging, therefore, the Aggreſſor before the Public afterwards, brings a bluſh on our countenance, becauſe it was for the benefit of *no one*. I cannot help my frequent repetitions. A right ſenſe of the merits of Dodd's Caſe obliges me to *them*. I repeat that Society was not, nor will be affected by Dodd's Forgery. If our Criminal Laws are made for the prevention of *public miſchiefs*—ſome public miſchiefs muſt be *proved before they take their courſe*. Dodd has done no *public* miſchief—The act for which he is to die was only a *tendency* towards it, and even this tendency could not, nay ought not in equity, to have been brought before the Public, after the *overt-act* was removed by his *private reparation*.

It will be wrong in me to blame the law that juſtifies his conviction---I really do not---*Nolumus leges Angliæ mutari*. I reſpect the laws of England; but I condemn thoſe men, who appeal to them with uncharitable rigor; and who, enveloped in the downfall of an offender, forget that they themſelves may one day require mercy and compaſſion, for omiſſions or comiſ-

ſions leſs injurious, either in public or private, than thoſe which have doomed Dodd to Eternity, before his natural time.

Conſider, Gentlemen, this juſt and liberal argument, while health you continue to enjoy---Then ſtrike your penſive boſoms, while you meditate over the manes of a Dodd, whether on your pillow, when reclining your drowſy heads, now or hereafter, or when age and ſickneſs may overtake you, and then exclaim, Alas, poor Dodd!

His ſuperior underſtanding created him many enemies. He was *envied*, and therefore *abuſed*. Death has now opened a gate to his fame, and ſhut the door to envy upon him---Who will envy him now? Where is the man who, in violation of the tendereſt feelings of humanity and nature, will now attempt to aggravate the ſuppoſed crime of *an act injurious to no one*, by attributing to the living character of Dodd the common failings of all ſublunary beings, which morally, religiouſly, or naturally, were no greater in him than in the reſt of men.

The power of human puniſhment is derived from the law of nature---it is veſted in us all. In ſtates of Society this

power is transferred to the Sovereign, who copies but the benignity of his Maker, in extending his mercy over the condemned, and protecting them from the mercileſs hands of the *rigid law*. But however the law of nature may furniſh us with this power of puniſhment, it will affect our peace and tranquility too deeply, to examine how far it ſupports that power, which robs Society of a Member in Dodd. He has endangered neither life or limb of any one---he has injured no one's property. How then, after the argument I have already deduced and ſubmitted, does the Law of Nature juſtify the forfeit of his life? I own this has long appeared to embarraſs us---So much the greater then is the plea for mercy from the Father of our civilized State. I would to God the ſame ideas had prevailed with his Majeſty's Counſellors, when they over-ruled his Godlike inclination to ſhew favour, before he was ordered for execution. As this, however, has proved otherwiſe, from motives in them which I ſhould be ſorry to depreciate, I could not deſiſt from thus delivering my poor thoughts on a Caſe, which appeared, probably, to my narrow mind, deſerving the attention I have beſtowed on it; and which, from aught that is ever likely to ſtrike me, will not (I fear) alter my opinion, that Dr. Dodd, under every circumſtance examined for and againſt him, has

been

been very *injuriouſly* proſecuted; and having, by his confeſſed Forgery, neither done *private or public injury*, is in every ſenſe, and in the fulleſt latitude of the confeſſion, *entitled to Mercy*.

In this opinion I am not eccentric---even thoſe enemies who envy and abuſe him for his towering talents, cannot help joining me in it; and nothing but Public Juſtice (which ſeems to be little underſtood), for the pretended ſafety of Society, now cries out for further puniſhment of her ſuppoſed Offender.

Having thus pointed out the real ſituation of this ill-fated Reverend Convict, whoſe proſecution, as an atrocious Criminal, is peculiar in its circumſtances, and uncommonly dreadful in its conſequences, not only to him, but to every conſcientious Being who obſerved it; I will continue to demonſtrate, that the end of human puniſhments, if Dodd is hanged, will, notwithſtanding their neceſſity, from cauſes laid down by our ableſt Writers upon it, be perverted, and act in contradiction to that very neceſſity. We know, that offences againſt the Laws of Society are only *mala prohibita*, not *mala in ſe*, prohibited evils, not evils in themſelves; and although an individual in Society conſents to laws inflicting Death as a puniſhment for certain actions, it does not follow, that when

that

that individual ſhould offend them, he is not entitled to Mercy from the Supreme Executor of them, under the particular circumſtances of his Caſe. The diſplay of this Mercy is part of the Royal Prerogative, which, except in murder, can never be averted. The method of inflicting Puniſhments ought to be proportioned to the particular purpoſe it is meant to ſerve, and by no means to exceed it; therefore, in the language of an excellent Writer, the pains of death ought never to be inflicted, but where the Offender appears *incorrigible*. True!—and I have before proved, that the crime muſt be made out as againſt the Public, and in private, before we can judge the Offender corrigible or incorrigible. I have proved too, that Dodd, in ſtrictneſs of diſquiſition (perhaps in the extreme), ſtands convicted of no crime publickly or privately; how far ſhort of murder, therefore, will it be (in conſcience) if Dodd is hanged?

It may now be aſked, Why is this reaſoning pointed at you? To which the anſwer is clear: The proſecution, conviction, and condemnation, were promoted by you, who have received no injury. The temporary offence was privately expunged for your benefit. The Public might never have known it; and therefore, in the words of the Convict himſelf, his proſecution was unneceſſary. His Proſecutors were Perſecutors. His

Death, by the hands of a Hangman, may cauſe univerſal compunction in all his Foes, and, if health permits me, his ſufferings will extract from me further thoughts in writing, on the unnatural end he was brought to by the Laws of Man, and not of God, where Man was not injured. I will explain, that the alternative of Mercy was denied him to oblige a barbarous Society, and that the pains of death were inflicted upon him, contrary to the language I have juſt before quoted, which pronounces, that Death for offences *mala prohibita*, ought never to be inflicted, but where the Offender appears *incorrigible*; a thing impoſſible to be known in Dodd, who, if hang'd, will be hang'd for a firſt offence, including no public injury; and for its momentary private one, repaired in private, ought not to have been publicly known by all the ſacred Laws of Nature, Revelation, Society, or Humanity.

I moſt ſincerely beg pardon for treſpaſſing ſo much upon your time, in the recital and diſcuſſion of certain points, which almoſt forced tears from my eyes. I am, Gentlemen, no more than Man, and *nothing whereby mankind is affected, can be indifferent to me.* This, I am ſure, will ſufficiently apologize to you and the world for this Letter. If I am wrong in it, I have no refuge but the purity of the intention, to protect me in my own mind againſt blame. I can have no perſonal diſlike to

you,

you, becauſe I do not know you:---I cannot be offended at your general dealings, becauſe I never had any with you; and if, on the whole, you may falſely ſuppoſe yourſelf ill-treated by me, I ſhall have no other anſwer to make, than that the occaſion of my Letter is a public one. I mean no offence to you or any perſon by it. I have appealed to your paſſions and underſtanding, not to your weakneſs or prejudice. It is the cauſe of Mercy and Equity, thoſe Godlike virtues, which I enforce, to ſhed on an unhappy outcaſt their fragrant dew of *Juſtice*, not the rigor of the law's letter *a priori*. I am the advocate of mercy where mercy is due, and cenſure in return will be both unchriſtian and ungenerous. It will ſavour of injuſtice, and illuſtrate theſe very humble endeavours to a double advantage.

I conclude, if Dodd is hanged, you muſt allow me the liberty of ſupplicating *your* God to receive his ſoul; and by a reformation in the manners of his ſurvivors, to render them deſerving of *his mercy*, when human nature ſhall ceaſe, and when all ſhall account for worldly actions, ſo as to entitle them to never-ending pleaſure or pain.

I am, GENTLEMEN,

With great deference,

Fellowſhip and reſpect,

Your moſt humble Servant,

THE AUTHOR.